

Executive Director Report

Presented by:
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Executive Director

[12]

APOC PENDING CASES – COMPLAINT STATUS REPORT

As of May 31, 2016

12-08-CD **Natwick v. Gillam, RBG Bush Planes, & McKinley Capital**

Current Status: Scheduled to be heard June 2016.

Procedural History

May 10, 2016	Commission provides order to dispense with hearing deadlines
May 9, 2016	Respondent submits non-opposed motion for expedited hearing on request to dispense with hearing deadlines and non-opposed motion to dispense with hearing deadlines
April 29, 2016	Notice of hearing and procedural order filed
April 13, 2016	Staff report submitted
July 23, 2015	Supreme Court denies Petition to Review
Apr 7, 2015	State files Response to Petition for Review
Mar 18, 2015	Respondent submits Petition for Review to Alaska Supreme Court
Mar 6, 2015	Superior Court denies 3 rd Motion for stay by respondents
Feb 27, 2015	Notice of withdrawal and substitution of lead counsel submitted
Feb 10, 2015	Notice of substitution of counsel submitted
Feb 6, 2015	Respondent submit 3 rd motion or stay to superior court
Jan 30, 2015	Commission issues order re Motion for reconsideration and affirms its Nov 26, 2014 order regarding providing access to documents
Jan 12, 2015	Staff submits Reply to Opposition to Compel
Jan 9, 2015	Alaska Supreme Court affirms Superior Court decision of May 2013
Jan 5, 2015	Opposition to Staff's Motion to Compel Filed
Dec 18, 2014	Joint Motion to Modify Briefing Schedule submitted
Dec 17, 2014	Order enabling respondent to oppose Staff's Motion to Compel issued
Dec 8, 2014	Respondent submits Motion for Reconsideration of Nov 26, 2014 Order re records sought
Nov 26, 2014	Commission issues Order for respondent to provide Staff access to documents
Nov 10, 2014	Superior Court denies respondents' Motion for Stay of Investigation
Oct 30, 2014	Staff submits Status Report to Commission and parties
Oct 22, 2014	Response to Motion to Compel submitted
Oct 15, 2014	Motion to Compel submitted
Oct 10, 2014	Respondents submit Motion for Stay of Investigation to Superior Court
Sep 29, 2014	Order regarding disqualification issued
Sep 3, 2014	Evidentiary Hearing regarding disqualification held with ALJ Handley
August 2014	New RSA submitted to OAH
Aug 13, 2014	ALJ Hemenway dismisses case and closes OAH file on this matter
Aug 5, 2014	Respondent submits requests for subpoenas from other parties
July 28, 2014	Commission issues order denying respondent's subpoena requests for

	APOC staff
July 18, 2014	ALJ issues order rescheduling hearing to September 3, 2014
July 17, 2014	Respondent submits requests for subpoenas for APOC staff
June 17, 2014	Superior Court denies stay of proposed May 6 hearing
June 3, 2014	Complaint reassigned to ALJ Hemenway
Apr 30, 2014	ALJ issues order granting continuance regarding proposed May 6 hearing—May 6 hearing postponed
Apr 29, 2014	Respondent requests change of judge for Apr 29 appeal—Judge changed from Easter to Saxby
Apr 29, 2014	ALJ order of April 1 appealed in Superior Court
Apr 23, 2014	Oral argument held at AK Supreme Court
Apr 1, 2014	ALJ issues order denying several motions and scheduling limited evidentiary hearing for May 6, 2014
Jan 7, 2014	ALJ transmits pleadings to commission
Jan 6, 2014	Respondents submit reply to staff's partial opposition to reconsideration
Dec 23, 2013	Staff files partial opposition to motion for reconsideration
Dec 23, 2013	Staff files non-opposed motion to extend deadlines for response to motion to reconsider
Dec 10, 2013	ALJ accepts motion to reconsider and sets date for APOC's response
Dec 9, 2013	Respondent files motion to reconsider
Nov 29, 2013	ALJ issues ruling on motion to disqualify
Nov 20, 2013	ALJ issues ruling on motion to supplement record
Nov 15, 2013	Staff files motion and memorandum re supplemental authority
Oct 29, 2013	Oral Argument for motion to disqualify held, awaiting decision
Sep 23, 2013	Respondent files reply to opposition to motion to disqualify
Sep 4, 2013	Staff files opposition to motion to disqualify
Aug 22, 2013	Respondent files motion to disqualify with ALJ
Aug 8, 2013	Supreme Court denies motion for stay
July 22/29, 2013	APOC files opposition(s) to motion for stay
July 11, 2013	Respondent submits motion for stay to Alaska Supreme Court
May 29, 2013	Superior Court cases decided—remanded back to Commission/ALJ
Jan 24, 2013	Respondent filed injunction in Superior Court
Jan 8, 2013	Order on Motion to compel issued by ALJ Friedman
Dec 5, 2012	Motion for clarification of role of ALJ submitted by respondents
Dec 3, 2012	Motion for stay denied by ALJ Friedman
Nov 28, 2012	Respondent replies to opposition to motion for stay
Nov 27, 2012	Original complainant files opposition to motion for stay
Nov 27, 2012	APOC files opposition to motion for stay
Nov 20, 2012	Respondent files motion to stay proceedings
Nov 15, 2012	Respondent requests extension of time to respond to motion to compel
Nov 14, 2012	Motion to compel issued by APOC
Nov 5, 2012	Respondents file complaint with Superior Court

Oct 23, 2012	Hearing officer changed from ALJ Kennedy to ALJ Friedman, planning conference changed from Oct 30, 2012 to Nov 2, 2012
Oct 22, 2012	Respondent exercised right to change ALJ
Oct 22, 2012	Case Planning Conference order issued; conference to be held Oct 30, 2012
Oct 16, 2012	Hearing officer appointed
Oct 3, 2012	Request to appoint hearing officer received
Sept 21, 2012	Respondent files reply to compliant
Sept 14, 2012	Stipulation to waive deadlines issued
Sept 6, 2012	Entry of appearance received for counsel
Aug 31, 2012	Complaint received, scheduled for expedited hearing

15-08-LFD	APOC Staff v. Senator Lesil McGuire
Current Status: Staff report completed, awaiting end of legislative session to schedule hearing	
Procedural History	
Nov 10, 2015	Staff report sent to respondent after special session concluded
Oct 30, 2015	Staff report completed, not sent due to legislative immunity
Oct 24, 2015	Legislative immunity in effect during special legislative session
Oct 23, 2015	Response to complaint by respondent submitted
October 7, 2015	Complaint received by respondent

16-01-CD	Nees v. Anchorage School District
Current Status: Scheduled to be heard June 2016	
Procedural History	
Feb 24, 2016	Respondent provides answer to staff report
Feb 11, 2016	Staff report filed
Feb 5, 2016	Respondent answers complaint
Jan 11, 2016	Complaint filed

16-02-POFD	Griffin v. Henry
Current Status: Scheduled to be heard August or October 2016	
Procedural History	
May 10, 2016	Commission orders postponement to August or October hearing
May 9, 2016	Respondent submits request to postpone hearing
April 29, 2016	Procedural order sent to complainant and respondent
April 12, 2016	Staff report filed
Mar 29, 2016	Informal request for information sent to respondent—no answer received
Mar 11, 2016	Complaint received and accepted

Bill #	Title	Author
HB 17	...top two non-partisan primary election system	Rep. Gruenberg
Effect on APOC <u>Changes AS 15.13.020(b)</u> to have appointment of Commissioners to APOC come from “the two political parties or political groups with the largest number of registered voters” rather than the two parties whose candidates received the highest number of votes for governor. <u>Changes AS 15.13.074(c)(3)</u> to clarify a candidate who has not chosen to be on a general election ballot. <u>Changes AS 15.13.110(f)</u> by deleting section (2) regarding persons who filed nominating petitions and filing reports. <u>Changes AS 15.13.400 (4)(b)(iii)</u> contributions, to rewording about “members of a party” rather than “the party’s slate of candidates”. <u>Changes AS 39.50.020</u> to remove reference to AS 15.25.180.		
Last Action: Referred to State Affairs January 21, 2015. NO FURTHER ACTION		

Bill #	Title	Author
HB 46	...membership in the Alaska Workforce Investment Board	Rep. Saddler
Effect on APOC Would add members who are required to report under AS 39.50—adds 1 veteran and 4 other members		
Last Action: <u>Passed and signed by governor.</u>		

Bill #	Title	Author
HB 65	...Legislative/Public Official Financial Disclosure	Rep. Hawker
Effect on APOC Changes due date of POFD and LFD to April 30. Changes AS 24.60.210(a), AS 24.60.250(a), and AS 39.50.020(a).		
Last Action: March 20, 2015 referred to S JUD. NO FURTHER ACTION		

Bill #	Title	Author
HB 229	Repealing the Administrative Regulation Review Committee	Rep. Chenault
Effect on APOC Would make moving completed regulations somewhat faster— <u>Amended 3/16 to enable the legislature to disapprove agency regulations</u>		
Last Action: Prefiled 1/8/2016, referred to H STA 1/19/2016		

Bill #	Title	Author
HB 354	An Act relating to the duties of the Ak Public Offices Commission	Reps. Kito, Gara, Guttenburg, Tuck
Effect on APOC Would require APOC to provide an annual list of the persons who have made campaign contributions of more than \$50 under this chapter to a legislative candidate within the preceding four years and the dates of those contributions		
Last Action: Feb 24, 2016 referred to H STA. NO FURTHER ACTION		

Bill #	Title	Author
SB 4	...relating to disclosures required by the Legislative Ethics Act	Sen Giessel
Effect on APOC Changes AS 24.60.210(a) due date from March 15 to May 15		
Last Action: March 13, 2015 referred to JUD. NO FURTHER ACTION		

Bill #	Title	Author
SB 17	...denial of Public Records Req	Sen Wielechowski
Effect on APOC Changes 40.25. Minimal impact to APOC.		
Last Action: Referred to State Affairs January 21, 2015. NO FURTHER ACTION		

Bill #	Title	Author
SB 115	Establishing the Public Integrity Commission of Alaska	S JUD
Effect on APOC Disestablishes APOC .		
Last Action: Referred to S State Affairs 4/19/15. NO FURTHER ACTION		

Bill #	Title	Author
SB 119	Repeal Workers Comp Appeals Board	Sen Micciche
Effect on APOC Would mean fewer POFD filers		

Last Action: Prefiled 1/8/2016, referred to S Labor and Commerce. **NO FURTHER ACTION**

Bill # Title

SJR 6 ...urging Congress et al to amend
The U.S. Constitution to prohibit corporations from making
unlimited independent expenditures for/against public office

Author

Sen Wielechowski

Last Action: Referred to State Affairs January 21, 2015. **NO FURTHER ACTION**

Committees:

House State Affairs

Chair, Rep. Lynn, Vice Chair, Rep. Keller
Members, Rep. Talerico, Rep. Vazquez,
Rep. Stutes, Rep. Gruenberg, Rep. Kreiss-Tomkins
Bills—HB 17, HB 46, HB 65

Senate State Affairs:

Chair, Sen. Stoltze, Vice Chair, Sen. Coghill
Members, Sen. Huggins, Sen. McGuire,
Sen. Wielechowski
Bills--SB 4, SJR 3, SJR 6

House Finance:

Co-Chair, Rep. Neuman, Co-Chair, Rep. Thompson,
Vice Chair, Rep. Sadler
Members, Rep. Edgmon, Rep. Gattis, Rep. Munoz,
Rep. Pruitt, Rep. Wilson, Rep. Gara, Rep. Guttenberg,
Rep. Kawasaki, Rep. Hawker (alt.)

Senate Finance:

Co-Chair, Sen. Kelly, Co-Chair Sen. MacKinnon,
Vice Chair, Sen. Micciche
Members, Sen. Bishop, Sen. Dunleavy, Sen.
Hoffman, Sen. Olson
Bills--SB 27

House Finance Admin Sub Committee:

Chair, Rep. Gattis, Reps. Olson, Johnson,
Lynn, Tilton, Tick, Drummond

Senate Finance Admin Sub Committee:

Chair, Sen. Dunleavy, Sens. Stoltze, MacKinnon,
Egan

House Rules:

Chair, Rep. Johnson, Vice Chair, Rep. Olson
Members, Rep. Chenault, Rep. Hawker, Rep. Reinbold,
Tomkins, Rep. Tuck

Senate Rules:

Chair, Sen. Huggins
Members, Sen. Coghill, Sen. Kelly, Sen. Meyer, Rep. Kreiss-
Sen. Gardner

APOC Budget Overview for **FY 16** as of May 31, 2016

Operating Expenses		100	200	300	400	500	Total
cc 02130010		Pers Serv	Travel	Contract	Supplies	Equip	
	Starting Balance	846,100	17,000	145,200	16,000.00	6,200.00	1,030,500
	Spent	723,652	4,511	133,763	465	0	862,463
	Current Balance	122,448	12,489	11,437	15,535	6,200	168,037
	% remaining	14	73	8	97	100	16
	% remaining in fiscal year	9	9	9	9	9	9
	FY 15 Actuals	1,285,800	18,763	136,734	19,562	0	1,460,059
	FY 14 Actuals	1,246,200	18,200	142,600	15,100	0	1,422,100
	FY 13 Actuals	1,183,900	22,900	138,400	23,900	0	1,369,100

This brief spread sheet shows the FY 16 budget.

Personnel Services includes payroll through May 2016. Staff currently has 4 vacancies; the POFD Coordinator, LOA I in ANC, LOA I in Juneau, and program coordinator in Juneau. The Assistant Director's PCN was eliminated as per the legislature's directive in fall 2015. The analyst/programmer position was filled in December 2015, but vacated in April 2016.

Travel includes all approved travel up to this date.

Contract includes general contractual fees. There are always some adjustments at the end of the year.

The budget should be in the black at the end of the fiscal year.